

## CHAPTER 11-30 DISORGANIZATION OF COUNTIES

**11-30-01. Counties may disorganize - Petition.** Whenever the board of county commissioners of any county having a population of less than four thousand inhabitants is petitioned so to do by twenty percent of the qualified electors of such county, as determined by the vote cast for the office of governor at the last preceding general election, such board shall submit to the qualified electors of the county the question of disorganization of the county. The question shall be submitted at the next statewide election occurring more than ninety days after the filing of such petition.

**11-30-02. Filing petition - Notice to state auditor.** The petition shall be filed with the county auditor who shall note thereon the date of filing. Not later than ten days thereafter, the county auditor shall send a written notice thereof by registered or certified mail to the state auditor.

**11-30-03. State auditor to make audit of financial conditions - Contents of audit.** Within thirty days of the receipt of the registered or certified notice of the filing of a petition for the disorganization of a county, the state auditor shall make and complete an audit of the finances of the petitioning county and shall file an original and duplicate copy of the audit with the county auditor of such county. The audit shall contain:

1. A statement of the taxable value of all taxable property in the county as of the last annual assessment as equalized by the state board of equalization.
2. A statement of all the assets and the liabilities of the county and any assets available for the retirement of any of said liabilities as of the date of the filing of the petition.
3. A statement for the last preceding completed fiscal year of the budget adopted, the amount of tax levied, the amount and source of revenue receipts derived, the expenditures made, and obligations incurred for each fund and purpose.
4. A statement containing such additional information as in the state auditor's judgment is necessary to an understanding of the true financial condition of the county.

**11-30-04. Notice of election - How given.** The county auditor shall publish notice of the election in the official newspaper of the county once each week for at least four successive weeks prior to the election. The notice shall contain the date of the election, a statement that the proposition to be voted on will be: "Shall the county of \_\_\_\_\_ (name of county) be disorganized and become an unorganized county?" and a statement that the state auditor's audit is on file in the office of the county auditor.

**11-30-05. Ballot - Form.** The ballot to be used in an election held under this chapter shall be in substantially the following form:

Shall the county of \_\_\_\_\_ (name of county) be disorganized and become an unorganized county?

Yes ☐

No ☐

**11-30-06. Canvass of votes and return.** The votes polled upon the question of disorganizing the county shall be canvassed and returned in the manner provided for canvassing other votes polled at the same election.

**11-30-07. Vote required - Manner and time of disorganization.** Within ten days after the filing of the findings and certificates of the canvassing board on the question of disorganization, the county auditor shall send a correct and duly certified abstract of the votes polled to the secretary of state. If fifty-five percent or more of all the legal votes cast in the county

on the question shall be in favor of disorganization, the secretary of state shall notify the governor immediately, and the governor shall issue a proclamation without delay announcing and declaring the result of the election. On and after January first following the date of such proclamation, the county shall be an unorganized county.

**11-30-08. Governor to designate county to which unorganized county attached - Purposes of attachment.** After the result of the election is proclaimed, but not before December fifteenth nor later than December thirty-first following, the governor, by proclamation, shall designate an adjoining organized county to which the unorganized county shall be attached for judicial, record, and taxation purposes, and all purposes of county government, and such proclamation shall become effective on January first following. If, before such December fifteenth, the board of county commissioners of the unorganized county designates, by resolution, the organized county to which the unorganized county desires to be attached, and if the organized county, before such date, agrees to such attachment, by resolution, the governor, by proclamation, shall declare that the unorganized county is attached to such organized county, effective on January first following the proclamation.

**11-30-09. All offices abolished in disorganized county - Compensation of officers of disorganized county.** All appointive officers in the service of the county and all elected county officers shall be deemed to be county officers for the purposes of this section. All county offices of an organized county shall be abolished when such county becomes an unorganized county. Payments equivalent to the salaries and other compensations customarily paid to the holders of such offices shall be paid to them until such time as their successors, except for the abolition of the offices, would have qualified and succeeded to their duties. Anyone reelected to an office shall be deemed a successor to such office. If an officeholder possesses an indefinite term of office, payments shall not continue for more than one month after the county becomes an unorganized county. In the event that a person is elected to a county office which is abolished before the commencement of the term of office for which the person was elected, the person shall receive a payment equivalent in amount to one month's salary of the office to which the person was elected.

**11-30-10. Officers of organized county act in unorganized county.** All the officers and employees of the adjoining organized county to which a disorganized county is attached shall possess the same powers and jurisdiction with respect to, and within, the unorganized county as they possess with respect to and within their own county except as such powers are limited by this chapter.

**11-30-11. Officers of organized county bonded for benefit of unorganized county.** The officers and employees of the organized county to which the disorganized county is attached shall be bonded automatically in the state bonding fund as provided by law for the benefit of the disorganized county in the amounts for which the corresponding officers of the disorganized county would be required by law to be bonded if the county were not disorganized. The premium for such bonds shall be charged against the disorganized county. The condition of each bond shall be that the officer or employee named therein as principal faithfully and impartially shall discharge and perform the duties of the said office or employment relating to the disorganized county, including such duties as are or may be imposed upon the officer or employee by law, and shall render a true account of all moneys and property of every kind that shall come into the officer's or employee's hands as such officer or employee and shall pay over and deliver the same according to law.

**11-30-12. Compensation of officers of organized county.** Each elected officer of the organized county to which a disorganized county is attached shall receive as compensation from the unorganized county for services rendered to it the sum of thirty dollars per annum for each one thousand inhabitants, or major fraction thereof, of the unorganized county.

**11-30-13. Records, property, and money of disorganized county transferred to organized county.** Within fifteen days following the governor's proclamation, all the county officers of the county to be disorganized shall remove all files, records, books, papers, equipment, fixtures, furniture, and other personal property to the courthouse of the organized

county to which the unorganized county is to be attached. If the absence of any of such items from the courthouse of the adjoining organized county would not inconvenience the public, the item shall be disposed of by the officers of the county to be disorganized as directed by the board of county commissioners of the adjoining organized county. During the fifteen-day period following the governor's proclamation, all moneys and property of whatsoever nature shall be delivered to the custody of the proper officers of the adjoining organized county.

**11-30-14. Title to property vests in organized county as trustee - Use of property - Separate accounts kept.** Title to all files, records, books, papers, equipment, fixtures, furniture, moneys, and other property possessed by the unorganized county, or in its name, upon the date of its disorganization, or thereafter acquired by it, shall be vested in the adjoining organized county to which it is attached as trustee for the unorganized county, with the right to use the same for the benefit of the unorganized county in the same manner as organized counties may use their property. Separate accounts and books shall be maintained for the moneys and properties held in trust and for the moneys and properties of the adjoining organized county.

**11-30-15. Unorganized county in same judicial district as organized county.** An unorganized county shall be in the same judicial district as the organized county to which it is attached.

**11-30-16. Actions transferred to courts of adjoining county.** All actions or suits of every nature that have been filed or are pending in any of the courts of the unorganized county on January first following the governor's proclamation, or that thereafter may arise or be instituted, must be transferred, brought, and tried in the courts of the adjoining organized county to which the unorganized county is attached.

**11-30-17. Notices - How posted and published in unorganized county.** All official and judicial notices relating to matters within the unorganized county shall be posted within such unorganized county in the manner provided for posting notices in organized counties. Published notices shall be published in a newspaper within the unorganized county, if there is one, otherwise they shall be published in the official newspaper of the organized county to which the unorganized county is attached.

**11-30-18. Unorganized county remains in same legislative district.** The unorganized county shall remain in the legislative district of which it was a part at the time of disorganization and shall have the same representation in the legislative assembly as it had prior to disorganization.

**11-30-19. Levy of taxes in an unorganized county - Funds of unorganized county to be kept in separate fund.** Sufficient taxes to pay the debts of the unorganized county and to furnish the necessary public services therein shall be levied within the unorganized county by the adjoining county to which the unorganized county is attached in the manner provided for the levy of taxes in organized counties and subject to the limitations therein imposed. Financial obligations or burdens shall not be imposed upon an organized county by reason of the attachment of an unorganized county to it, but all expenses incidental thereto shall be charged to the unorganized county. All funds which shall accrue from any source whatever to the unorganized county shall be kept separate and apart from any funds of the organized county to which it is attached.

**11-30-20. Trial of criminal cases after disorganization.** All criminal cases transferred from a disorganized county to an adjoining organized county shall be tried by a jury drawn in the manner provided by the laws of this state from the qualified jurors residing within the limits of the territory which had constituted the disorganized county unless the defendant in any such criminal case shall consent to be tried by a jury of the adjoining organized county to which the disorganized county is attached for judicial purposes.

**11-30-21. Liability of disorganized county on existing obligations - Municipal organizations - Issuance of bonds - Compromises.** The disorganization of a county shall not affect its liability upon contracts or otherwise and shall not affect the organization of school

districts, townships, and municipalities within the territory contained in the disorganized county. The board of county commissioners of the adjoining county to which the disorganized county is attached for judicial, record, and taxation purposes may compromise debts and obligations of the disorganized county existing at the time of the disorganization and may issue bonds or certificates of indebtedness in settlement or compromise of, or to refund, such debts and obligations. Bonds or certificates issued under the provisions of this section shall bear upon their face a statement that the principal and interest to become due thereon shall be paid only from taxes levied upon the property within the disorganized county.